

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE**

ERIC MATHEWS,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
FLIGHT AWARE, RAYTHEON d/b/a	)	
RTX CORPORATION,	)	
	)	
Defendants.	)	

**VERIFIED**  
**PETITION PURSUANT TO F.R.C.P. RULE 27**  
**TO PERPETUATE TESTSIMONY**

COMES NOW, Petitioner Eric Mathews, by and through the undersigned counsel, and prays this Honorable Court to grant the relief herein requested for the reasons stated below:

1. Petitioner, Eric Mathews, is a 50-year old male who resides in New Castle County, Delaware.
2. Petitioner is an employee of Flight Aware LLC, a Delaware entity.
3. Upon information and belief, Flight Aware is a wholly-owned subsidiary of Collins Aerospace, which in turn is owned by RTX Corporation a.k.a. Raytheon (“Raytheon” and collectively “Defendants”). Raytheon is incorporated in Delaware.
4. Mr. Mathews files this Petition because he expects to be a party to an action cognizable in this Court.

5. Specifically, Petitioner expects to be the plaintiff in a civil action against one or both Defendants, his employer, for violations of the Americans with Disabilities Act, the Family Medical Leave Act, and related federal laws protecting him from interference, discrimination, and retaliation on the basis of his disability.

6. Said action cannot presently be brought because of the requirement that he exhaust his administrative remedies. Specifically, Mr. Mathews has filed a Charge of Discrimination with the Equal Employment Opportunity Commission, which has concurrent jurisdiction with the Delaware Department of Labor to adjudicate such claims.

7. Mr. Mathews may not bring an action in this Court before the issuance of a Right to Sue letter from either of the aforementioned agencies following an administrative disposition on the merits.

8. The subject matter of the expected action entails whether Defendants have violated Mr. Mathews' rights under the aforementioned statutes, in failing to engage in an interactive process, in failing to provide reasonable accommodations, in failing to provide guaranteed unpaid leave to which he is entitled under FMLA, in failing to offer one of the benefits of his employment, namely, long-term disability benefits, as provided to other similarly situated employees.

9. Petitioner's interest in the expected action is as the Plaintiff, and his testimony is therefore crucial to the disposition on the merits of his case.

10. The facts Petitioner wishes to establish by the proposed testimony concern each and every one of the elements of a *prima facie* claim under the aforementioned statutes, under which he may be entitled to relief as a matter of law.

11. The reasons Petitioner wishes to establish the proposed testimony are as follows:

- a. The nature of Mr. Mathews' condition necessitating his long-term leave and disability benefits is that his prognosis for recovery is doubtful.
- b. Mr. Mathews' condition can affect his memory, making it advantageous to obtain his sworn testimony under the conditions of a live deposition as soon as possible.
- c. Mr. Mathews' status as an employee is not currently known. His mental impressions and personal observations of the facts giving rise to this dispute are important to establish the existence of one or more material facts likely to be at issue.

12. The names of the person(s) whom the Petitioner expects to be adverse parties, and their addresses, so far as known are:

- a. Flight Aware LLC, c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

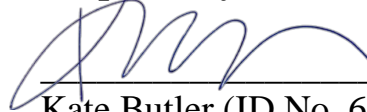
b. RTX Corporation, c/o The Corporation Trust Company, Corporation  
Trust Center, 1209 Orange St., Wilmington, DE 19801.

13. The name, address, and expected substance of the testimony of each  
deponent is as follows:

a. Eric Mathews, 75 W. 5<sup>th</sup> St., New Castle, DE 19720; testimony  
concerns any and all facts relevant to the claims alleged in the Charge  
of Discrimination, attached hereto as Exhibit A.

WHEREFORE, Petitioner asks the Court to GRANT the relief herein by signing  
the attached proposed ORDER.

**Respectfully Submitted,**



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Dated: